REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Proposed changes to Figs. 1, 2A, 2B, and 3 are submitted herewith to overcome the objections thereto.

Claims 1-11 have been cancelled in favor of new claims 12-25, which better define the subject matter Applicants regard as the invention. Support for the subject matter of the new claims is provided in the original claims and the specification in paragraphs [0122] through [0124] and [0132] through [0146]. Claims 12-25 have been drafted to avoid the issues prompting the rejection of claims 1 and 8 under 35 USC §112, second paragraph.

Claims 1-11 were rejected, under 35 USC §103(a), as being unpatentable over St-Pierre (WO 98/25432) in view of Applicant's Discussion of the Related Art (ADRA). To the extent the rejections may be deemed applicable to new claims 12-25, Applicants respectfully traverse.

New claim 12 recites:

> *A fast packet transmission system comprising a communication terminal and a base station, wherein:*
>
> *the communication terminal transmits base station selection information, which indicates a base station that is selected according to a channel state, and at least one of a packet number and a check signal, which indicates correct reception of a packet, to the selected base station over an uplink; and*

in response to receiving the uplink transmission, the base station indicated by the base station selection information transmits to the communication terminal, over a downlink, a packet identified by the received packet number or a packet identified by a packet number determined from the received check signal.

ST-Pierre and the ADRA fail to suggest the combined features recited in claim 12 of: (1) a communication terminal that selects a base station to communicate a packet and (2) a base station that, if identified as the selected base station in a message from the communication terminal, transmits a packet that is referenced in the message identifying the selected base station.

St-Pierre discloses in Fig. 2 a "make before you break" handoff procedure, performed within a CDMA system (St-Pierre abstract, lines 1-3). According to this procedure, duplicate downlink information is generated and routed through two base stations for delivery to a mobile station (page 7, lines 9-11). The mobile station receives the two downlink signals and compares a sequence number of a frame received in one signal with that received in the other signal (page 7, lines 11-19). If the frame sequence numbers match, the mobile station may diversity combine the received signals for improved reception of the frame information (page 7, line 34, through page 8, line 2). Otherwise, the mobile station sends a timing adjustment message requesting the base stations to make appropriate timing

modifications (page 7, lines 19-22). Subsequently, the base stations adjust their synchronization such that the frame re-transmitted by each base station may be synchronously received by the mobile station with the other base station's re-transmitted frame and diversity combining may be achieved (page 7, lines 25-27, and page 7, line 34, through page 8, line 2).

St-Pierre discloses in Fig. 4 an alternative procedure in which the mobile station buffers an earlier-arriving frame received from one base station and waits for a later-arriving frame from the other base station having the same sequence number as the buffered frame (page 9, lines 7-11). Once both frames having the same sequence number are received, the mobile station diversity combines and decodes the received signals (page 9, lines 11-15).

As may be determined from the St-Pierre's disclosure, above, St-Pierre does not suggest the feature recited in claim 12 of a base station that, if identified as a selected base station in a message from a communication terminal, transmits a packet that is referenced in the message identifying the selected base station. The claimed feature provides the ability to dynamically control the transmission order for a series of data packets communicated by multiple base stations to a communication terminal, each base station communicating a subset of the series of data packets, so

that the packets are received by the terminal in the desired order and without repeating the transmission of a packet that is received well by the terminal. St-Pierre does not suggest this advantage.

The ADRA is cited in the Office Action for teaching the selection of a base station, from among a plurality of base stations, for transmitting a next packet (Office Action page 4, second paragraph). This feature does not supplement the teachings of St-Pierre with regard to the above described feature distinguishing claim 12 from St-Pierre.

Accordingly, Applicants submit that the applied references do not suggest the subject matter defined by claim 12. Independent claims 19 and 22 similarly recite the above-described feature distinguishing apparatus claim 12 from the applied references, though claim 22 does so with respect to a method. Thus, claims 19 and 22 similarly distinguish over the applied references for reasons analogous to those discussed in connection with claim 12. Therefore, allowance of claims 12, 19, and 22 and all claims dependent therefrom is warranted.

Independent claim 20 defines a communication terminal that communicates the information a base station may use to achieve the advantage discussed in connection with claim 12. More specifically, claim 20 recites a communication terminal that

transmits an indicator of a selected base station and at least one of a packet number and a check signal, which indicates correct reception of a packet, to a base station. Upon receiving this information, a plurality of base stations may determine which of them is to communicate the packet referenced by the received packet number or check signal.

The applied references do not suggest a communication terminal that transmits both an indicator of a selected base station and an indicator of the next packet to be transmitted by the selected base station. Since the base stations that may be prospectively selected to transmit the next packet have no knowledge of the particular packet transmitted last by a different base station, the claimed feature provides the selected base station with the information necessary to determine which packet in the transmission series is to be communicated next. The applied references do not suggest this feature or the advantage it provides.

Accordingly, Applicants submit that the applied references do not suggest the subject matter defined by claim 20. Therefore, allowance of claim 20 and its dependent claim 21 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

for James E. Ledbetter
Registration No. 28,732

Date: July 25, 2005
JEL/DWW/att

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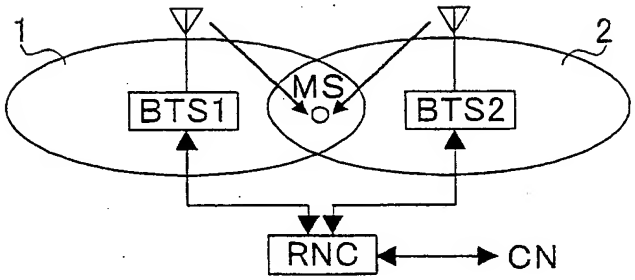
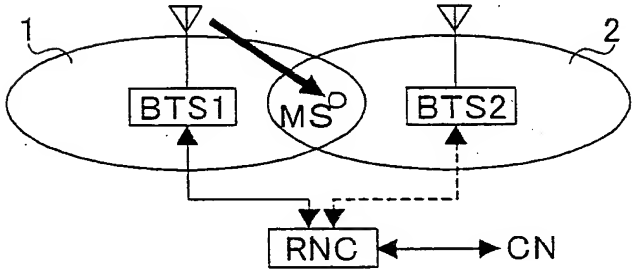
IN THE DRAWINGS

Proposed changes to Figs. 1, 2A, 2B, and 3 are submitted herewith, with a Letter to the Official Draftsman.



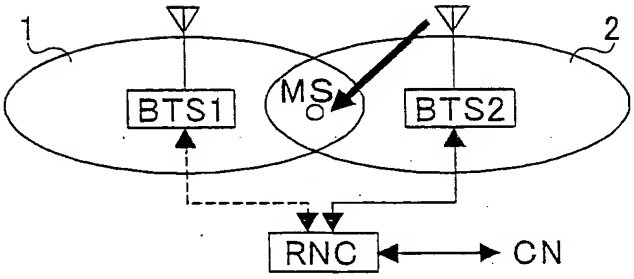
RELATED ART

FIG.1



RELATED ART

FIG.2A



RELATED ART

FIG.2B

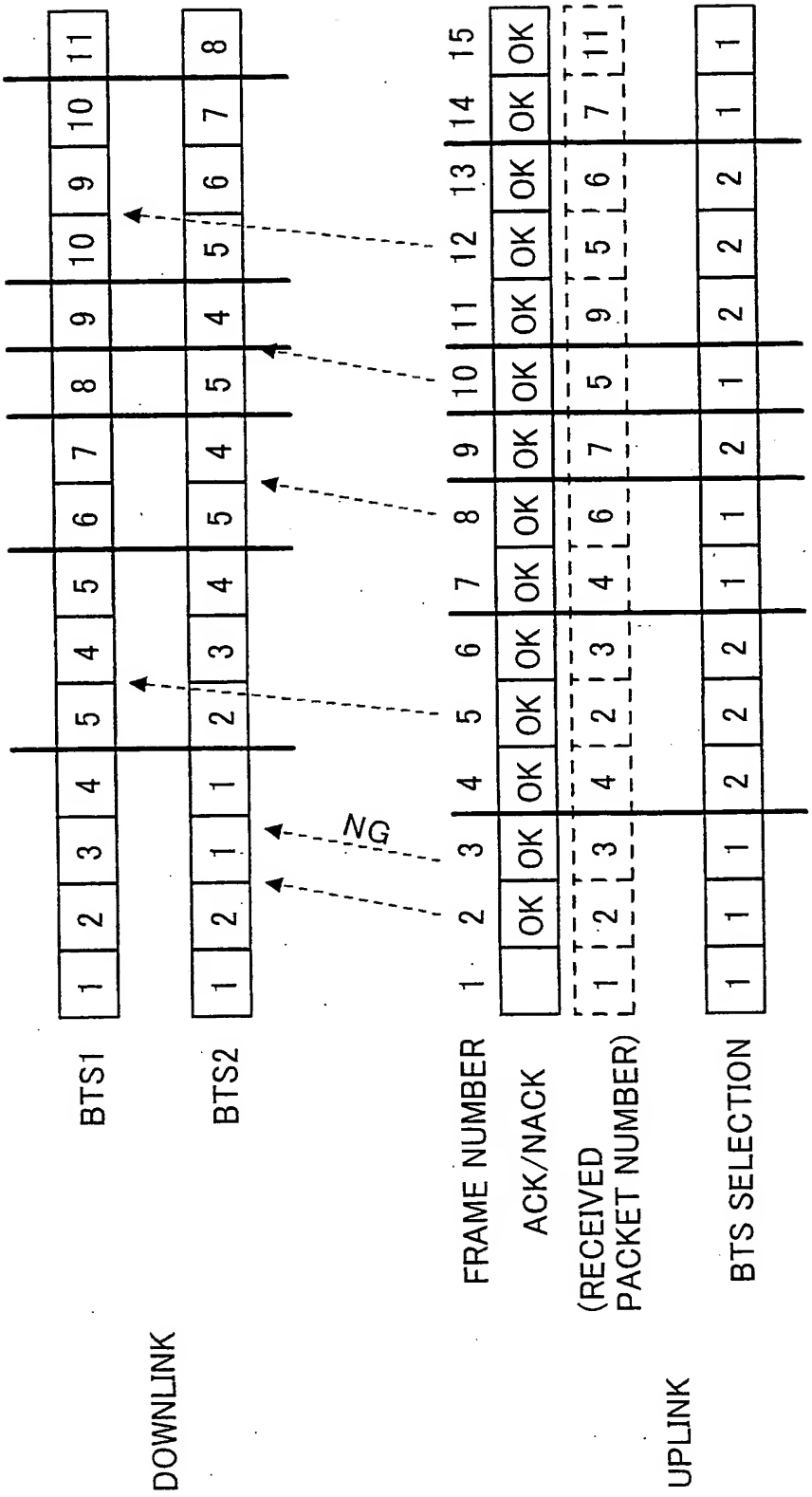

DOWNLINK
BTS1
BTS2
NG
UPLINK
FRAME NUMBER
ACK/NACK
(RECEIVED PACKET NUMBER)
BTS SELECTION
RELATED ART

FIG.3